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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,301	07/28/2003	Chih Min Lin	010121-9918	3487
23409	7590	05/12/2004	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			LE, DANG D	
		ART UNIT		PAPER NUMBER
		2834		

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/628,301 Examiner Dang D Le	LIN ET AL. Art Unit 2834 <i>pw</i>

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 March 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,10-17 and 27-29 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2 and 5-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/3/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 3, 4, 10-15, and 27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected groups, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper dated 3/25/04.

Claims 16, 28, and 29 depend on non-elected claims 10 and 27, respectively. As a result, claims 16, 28, and 29 are also withdrawn.

Upon the allowance of elected claims 1, 2, and 5-9, applicant will be entitled to consideration of claims 3 and 4 which are written in dependent form or otherwise include all the limitations of an allowed claims as provided by 37 CFR 1.141.

2. Applicant's election with traverse of claims 1, 2, 5-9, 16, 28 and 29 in Paper No. dated 3/25/04 is acknowledged. The traversal is on the ground(s) that examination of all the claims can be made without serious burden on the Examiner and that "election of Group I should result in the Examiner reviewing the limitations of each of claims 16, 28, and 29".

This is not found persuasive because each group of claims contains different limitations requiring search in different subclasses. The search required for one group is not required for the others. In addition, claim 16 contains a limitation recited in claim 1 and claims 28 and 29 contain limitations in claims 5 and 7, respectively. Therefore, the examiner does not have to conduct a different search for claims 16, 28, and 29.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first overall axial length" and the "second overall axial length" recited in claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. Claim 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not define the first and second overall axial length of the stator. The specification discloses that the axial length of the motor can be minimized by eliminating the fan in page 11, paragraph 45.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is indefinite because it is not clear what the first and second overall axial length of the stator is.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamano (5,783,888).

Regarding claim 1, Yamano shows an electric motor comprising:

- A single end frame (1a, Figure 1);
- A stator (6) having a stator core, a first end (right side) fixed relative to the end frame, and a second end (left side) remote from the end frame;
- A shaft (3) supported by the end frame for rotation about a shaft axis;
- A rotor (5) having opposite sides (right and left) spaced in the direction of the shaft axis, the rotor being connected to the shaft for rotation with the shaft relative to the stator, the shaft being supported on only one side (right side, Figure 1, left side being for blade 4a) of the rotor for rotation about the shaft axis; and
- A canopy (4b) configured to cover at least a portion of the rotor and the second end of the stator during normal operation of the electric motor, a portion (7r and 1b) of the stator core being exposed between the end frame

and the canopy at all times during normal operation of the electric motor, the shaft not being supported by the canopy for rotation about the shaft axis.

Regarding claim 2, it is noted that Yamano also shows the over length of the motor with the fan (Figure 1) and without the fan (Figure 3).

Regarding claims 5-8, it is noted that Yamano also shows all of the limitations of the claimed invention.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamano in view of King et al. (5,079,464).

Regarding claim 9, Yamano shows all of the limitations of the claimed invention except for the shaft being drivingly connected to a fluid pump for pumping fluid through fluid jets in a hydro massage bathtub.

King et al. shows the shaft being drivingly connected to a fluid pump for pumping fluid through fluid jets in a hydro massage bathtub for the purpose of making a whirlpool.

Since Yamano and King et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to connect the shaft to a fluid pump for pumping fluid through fluid jets in a hydro massage bathtub as taught by King et al. for the purpose discussed above.

Information on How to Contact USPTO

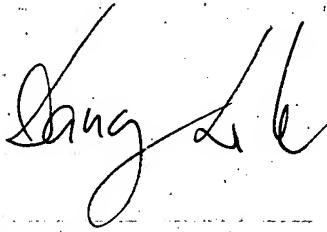
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (571) 272-2027.

The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/6/04



DANG LE
PRIMARY EXAMINER